

THE STATE OF NEW HAMPSHIRE

MERRIMACK, SS

SUPERIOR COURT

99-E-0410

IN THE MATTER OF THE LIQUIDATION OF
TUFTS HEALTH PLAN OF NEW ENGLAND, INC.

**LIQUIDATOR'S MOTION FOR ORDER ESTABLISHING
NOTICE PROCEDURES AND HEARING ON MOTION TO
ACCELERATE PAYMENT OF CLASS FIVE CLAIMS**

Paula T. Rogers, Commissioner of the Department of Insurance of the State of New Hampshire, solely in her capacity as Liquidator (the "Liquidator") of Tufts Health Plan of New England, Inc. ("TNE"), by her attorneys, moves for the entry of an order establishing notice procedures and a hearing date in connection with her Motion to Accelerate Payment of Class Five Claims (the "Acceleration Motion"), filed contemporaneously herewith. In support of her motion, the Liquidator states as follows:

1. The Liquidator was appointed by order of this court dated January 3, 2000, to liquidate the assets of, and to administer and adjudicate claims against, TNE.
2. On December 28, 2000, this court entered an order approving the Liquidator's Plan of Liquidation (the "Plan"), a Funding and Settlement Agreement (the "Funding and Settlement Agreement" or "FSA"), and certain related agreements which, in conjunction with the provisions of NH RSA 402-C, form a comprehensive basis for the administration, adjudication and payment of Claims against TNE.¹
3. The Liquidator has already administered over 2,744 Class Two Claims, representing over \$32.4 million in payments to the holders of Allowed Class Two Claims during

the course of her administration of this estate. In the Acceleration Motion, the Liquidator seeks authority to commence administration, adjudication and payment of Claims in classes junior to Class Two.

4. As of the date of this motion, there remain approximately 4,000 holders of Claims in various stages of administration and adjudication. The Liquidator desires to provide notice of the Acceleration Motion to the holders of all Claims not yet administered, adjudicated and paid, in as efficient a manner as possible.

5. This court previously approved a notice procedure in connection with the Liquidator's Motion for Approval of the Plan and the Funding and Settlement Agreement, which the Liquidator proposes to adopt for the Acceleration Motion. In addition to having served the Acceleration Motion upon all counsel of record in the Liquidation Proceeding, the Liquidator proposes to mail a copy of the Order approving this motion and establishing notice procedures to all holders of Claims who filed a Proof of Claim against TNE that has not yet been administered, adjudicated or paid (including the holders of Claims to whom the Liquidator has issued Notices of Determination and who filed objections thereto), at the addresses shown on their respective Proofs of Claim filed in the Liquidation Proceeding. In addition, the Liquidator will post a copy of the Order and the Acceleration Motion on the website of the New Hampshire Insurance Department (www.state.nh.us/insurance/news), and will mail a copy of the Order and the Acceleration Motion to all holders of Claims who so request one, which request may be made in writing to the Liquidator or her counsel, or by telephone at 1-888-766-9816 Mondays through Fridays from 8:30 a.m. to 5:00 p.m. The Liquidator believes that this notice procedure will

¹ All capitalized terms in this motion are intended to have the same meaning as set forth in the Plan of Liquidation and the FSA, unless expressly otherwise noted.

afford all eligible holders of Claims fair and adequate notice of the hearing on the Acceleration Motion and the deadline for filing any responses or objections thereto.

6. The Liquidator therefore requests that this court approve this manner of notice; schedule a hearing date on the Acceleration Motion, and set a deadline by which objections or responses must be filed and served upon all parties of record so as to allow a period of at least five business days between receipt of responses or objections to the Acceleration Motion and the hearing on the Acceleration Motion.

7. Counsel for Tufts Associated Health Maintenance Organization, Inc. and related entities (“THP”) consents to the relief requested herein.²

WHEREFORE, the Liquidator requests that this court enter an order (1) approving the notice procedures set forth herein as fair and adequate under the circumstances of this Liquidation Proceeding; (2) scheduling a hearing on the Acceleration Motion; (3) establishing a deadline by which any and all responses to the Acceleration Motion must be filed with this court and served upon counsel of record in this Liquidation Proceeding, and (4) granting the Liquidator such other and further relief as is just and equitable.

Respectfully submitted,

PAULA T. ROGERS, COMMISSIONER
OF INSURANCE OF THE STATE OF
NEW HAMPSHIRE, AS LIQUIDATOR
OF TUFTS HEALTH PLAN OF NEW
ENGLAND, INC.

By her attorneys,

PHILIP T. MCLAUGHLIN
ATTORNEY GENERAL

² The number of parties who have intervened in this matter have rendered it impractical for the Liquidator to attempt to obtain the concurrence of all such parties prior to filing this motion. The Liquidator respectfully requests that the court excuse her from compliance with Superior Court Rule 57-A, to the extent that Rule 57-A applies to this motion, pursuant to Superior Court Rule 116.

Dated: September __, 2001

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SHEEHAN PHINNEY BASS + GREEN,
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Dated: September __, 2001

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CERTIFICATE OF SERVICE

I hereby certify that on this __ day of September, 2001, a copy of the foregoing Liquidator's Motion for Order Establishing Notice Procedures and Hearing on Motion to Accelerate Payment Of Classified Claims, was served upon the parties listed on the attached service list via first class mail, postage prepaid.

Bruce A. Harwood

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